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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------|------------------|
| 09/819,358  | 03/28/2001  | Jeane S. Chen        | 0005.US00              | 3309             |
| 27309   | 7590        | 10/23/2006           | EXAMINER               |                  |
| KINTERA INC.<br>ATTN: LEGAL DEPT.<br>9605 SCRANTON ROAD, SUITE 240<br>SAN DIEGO, CA 92121 |             |                      | LEROUX, ETIENNE PIERRE |                  |
|   |             |                      | ART UNIT               | PAPER NUMBER     |
|   |             |                      | 2161                   |                  |

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/819,358

Applicant(s)

CHEN ET AL.

Examiner

Etienne P LeRoux

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2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5-22,26-38,40-45 and 47-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-22,26-38,40-45 and 47-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### *Claims Status*

Claims 1, 5-22 and 26-38, 40-45 and 47-53 are pending. Claims 2-4 and 23-25, 39 and 46 are canceled. Claims 1, 5-22 and 26-38, 40-45 and 47-53 are rejected as detailed below.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-9, 11, 12, 16, 20, 22, 26-29, 32, 33, 35-38, 40, 45-45, 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572).

Regarding claims 1, 22, 35, 36 and 38, Pat '393 discloses: one or more virtual data islands [first donation kettle, second donation kettle 100, Fig 1] partitioned inside the database [kettle data storage 302, Fig 1a is partitioned inside terminal 120 data storage, Fig 1] each virtual data island storing client data for a specific client engaged in fundraising [col. 1, lines 20-25, col 5, lines 4-10, col 4, lines 48-51], the client data containing one or more constituent records [col. 3, lines 59-65, col 9, lines 57-60], the one or more constituent records including information about individuals [information about a contributor and a donation, col 3, lines 59-65], the information stored in a plurality of fields [col 9, lines 1-10] wherein each individual is assigned a

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unique identifier, the unique identifier for an individual being common across the virtual data islands [col 9, lines 45-67, receipt produced for a contribution by a contributor], a data pool having data from one or more constituent records stored in the one or more virtual data islands [tally of a credit card 145 donation, tally of a debit card 150 donation, tally of a cash donation or combinations thereof for a single contributor or a plurality of contributors, col. 5, lines 10-20], wherein the results of the analysis are used in fundraising campaigns, one or more program codes for analyzing the data pool [software routine, col 5, lines 17-20, statistical software routine, col 5, lines 30-40]

Pat '393 discloses in col 9, lines 48-50 a receipt is produced for a single or plurality of donations – the receipt being for tax purposes, col 9, line 67 which reads on a compilation of unique identifiers of the individuals whose records are in the virtual data islands. Pat '393 fails to disclose a linking table. Pat '572 discloses a linking table [col. 10, lines 01-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a linking table as taught by Pat '572 for the purpose of speedy analysis of marketing data and report generation [col. 10, lines 1-15].

Regarding claim 8, Pat '393 discloses the client is a person [col. 3, lines 59-65]

Regarding claims 9 and 28, Pat '393 discloses the results of the analysis are used to identify potential donors likely to donate to one or more charities [col. 5, lines 24-28].

Regarding claim 11, Pat '393 discloses a program code for statistical analysis [col. 5, lines 10-22]

Regarding claims 12 and 29, Pat '393 discloses a probability of a charitable donation [monthly statement, col.5, line 26]

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Regarding claim 33, Pat '393 discloses a charitable organization [col. 1, lines 20-25].

Regarding claim 20, Pat '393 discloses a common identifier shared by the individual donor records across the virtual data islands [credit card donation col. 3, line 48].

Regarding claims 7 and 32, Pat '393 discloses a charitable organization but does not disclose a nonprofit organization. Official Notice is taken that a nonprofit organization is well-known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a nonprofit organization since the IRS grants nonprofit status to most charitable organizations. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970).

Regarding claims 5, 6, 26 and 27, Pat '393 discloses the essential elements of the claimed invention except for the internet. Pat '572 discloses the internet [col. 2, lines 60-63]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include the internet as taught by Pat '572 for the purpose of implementing an efficient market data collection system [col. 2, lines 60-63].

Regarding claim 16, Pat '393 discloses the essential elements of the claimed invention except for automatically updating fields. Pat '572 discloses automatically updating fields [col. 10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include automatically updating fields as taught by Pat '572 for the purpose of maintaining concurrency of data.

Regarding claim 37, Pat '393 discloses wherein the client is a charitable organization [col. 3, lines 55-58]

Regarding claims 40, 47 and 53, Pat '393 discloses a master island residing in the database and containing a compilation of the fields in the one or more virtual data islands [terminal 120, Fig 1]

Claims 17, 42, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572) as applied to claim 16 above, and further in view of US Pat. No. 6,539,446 issued to Chan (hereafter Pat '446).

Regarding claims 17, 42, 48 and 49, the combination of Pat '393 and Pat '572 discloses the essential elements of the claimed invention except for automatic notification of an update option. Pat 446 discloses automatic notification of an update option [col. 2, lines 60-64]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pat '393 and Pat '572 to include automatic notification of an update as taught by Pat '446 for the purpose of notification that a lock failure has occurred [col. 2, lines 60-64].

3. Claims 10, 13-15, 41, 43, 44 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Pat '393 and Pat '572 as applied to claim 1 above, and further in view of US Pat. No. 6,308,201 issued to Pivowar et al (hereafter Pat '201)

Regarding claims 10, 43 and 50, the combination of Pat '393 and Pat '572 discloses the essential elements of the claimed invention except for an opt-in field indicating whether a client has elected to share data. Pat '201 discloses an opt-in field indicating whether a client has

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elected to share data [Fig 11, 702]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include an opt-in field indicating whether a client has elected to share data as taught by Pat '201 for the purpose of managing concurrent access to records/data to ensure lowest possible response times.

Regarding claim 13, the combination of Pat '393, Pat '572 and Pat '201 discloses the elements of the claimed invention as noted above and furthermore, Pat '201 discloses write-access to the field [Fig 5, 512, col 7, lines 29-38].

Regarding claim 14, Pat. '393, Pat '572 and Pat '201 discloses the essential elements of the claimed invention as noted above and furthermore, Pat '201 discloses the opt-in field accepts a multi-valued variable [Fig, 11, 702].

Regarding claim 15, Pat '393, Pat '572 and Pat '201 discloses the essential elements of the claimed invention and for sharing data with others in different manners [Figs 5 and 11]

Regarding claim 41, Pat '201 discloses means for allowing a client to update constituent records stored in their virtual data island [Fig 11, 702].

Regarding claim 44, Pat '393 discloses wherein if the client has elected to share data, data from constituents records in the client's virtual data island are stored in the data pool and the client has access to the results of the analysis of data in the data pool [col 5, lines 30-40]

Regarding claims 51 and 52, Pat '393 discloses wherein if the client has elected to share data, data from constituent records in the client's virtual data island are stored in the data pool and the client has access to the results of the analysis of data in the data pool [col 5, lines 30-40]

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4. Claims 18, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) and further in view of US Pat. No. 5,665,952 issued to Ziarno (hereafter Pat '952).

Regarding claim 18, 30 and 31, Pat '393 discloses the essential elements of the claimed invention except for login access for donors. Pat '952 discloses login access for donors [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include login access for donors as taught by Pat '952 for the purpose of convenience in donating to a charitable organization [abstract].

Claims 19, 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claim 1 above, and further in view of US Pat. No. 6,535,871 issued to Romansky et al (hereafter Pat '871).

Regarding claims 19 and 34, Pat '393 discloses the essential elements of the claimed invention except for a political organization. Pat '871 discloses a political organization [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a political organization as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].

Regarding claim 21, Pat '393 discloses the essential elements of the claimed invention except for an opt-out field. Pat '871 discloses an opt-out field [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to



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modify Pat '393 to include an opt-out field as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].

### *Response to Arguments*

Applicant's arguments filed 8/15/2006 have been fully considered but they are not persuasive.

#### **Applicant Argues:**

Applicant states in the fourth paragraph of page 12 "The unique identifier allegedly disclosed by Ziarno is nothing more than information related to a credit card. It is well known that individuals may own more than one credit card or that a single credit card may be associated with multiple individuals or entities. In sharp contrast, the unique identifier of the present invention uniquely identifies an individual. By way of example, the specification of the present application discloses that john doe and John E Doe may be assigned the same unique identifier because they are the same person but are using two slightly different names. Thus, while the alleged unique identifier of Ziarno identifies a credit card, it fails to uniquely identify an individual. Similarly, the running total of the contributions of Ziarno, also based on the credit card information fails to uniquely identify an individual.

#### **Examiner Responds:**

Examiner is not persuaded. Ziarno discloses the following:

#### Detailed Description Text (41):

Preferably, a receipt generator (a printer 821 and associated circuitry 823) is located on or near a

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donation kettle 100. In an alternate embodiment, the receipt generator may be located at a remote location. The receipt generator produces a receipt for a single donation or a plurality of donations. In one embodiment, a donation kettle 100 communicates, via a communication link, preferably an RF (radio frequency) communication link or an infra-red communication link, with the receipt generator. In another embodiment, a donation kettle 100 communicates donation and contributor information, via a communication link to terminal 120. Terminal 120 then communicates the contributor and donation information to the receipt generator. The communication consists of information about the contributor, the donation, the date, the intention for which the donation was given, and the like. The receipt generator processes the information about the contributor and the donation to generate a receipt. The receipt may be generated automatically by the receipt generator to be picked up by the contributor at or soon after visiting the donation kettle 100, or may be generated for mailing or faxing to the contributor. A contributor of a charitable organization may desire the receipt for tax purposes.

Examiner maintains that a contributor is uniquely identified because the contributor is given a receipt for tax purposes.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

10/19/2006

*Et P LeRoux*

*Primary Examiner*